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**MORRISON & FOERSTER LLP**  
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Telephone: (650) 813-5600  
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JAN 30 2004

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FROM: Christopher B. Eide

DATE: January 28, 2004

Number of pages with cover page:	<u>13</u>
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## Comments:

Inventor: David YEE et al.  
Application No.: 09/942,976  
Filing Date: August 29, 2001  
Examiner: Not Yet Assigned  
Art Unit: 3746  
Title: CONTROL STRATEGY FOR FLEXIBLE CATALYTIC COMBUSTION SYSTEM  
Attorney Docket No.: 220772009200

## Documents Filed:

- Transmittal Form (1 page)
- Fee Transmittal (original + 1 copy for fee processing (2 pages total))
- Extension of Time Request (1 page)
- Petition to Revive (2 pages)
- Communication Regarding Unintentional Abandonment (2 pages)
- Declaration (2 pages)

Sender's Initials: CBE3/my11

PA-857177

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**FROM:** Christopher B. Eide**DATE:** October 8, 2003

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Sender's Initials: CBE3/myl1

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Documents Filed:

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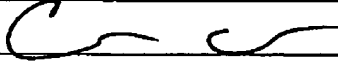
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/942,976	
	Filing Date	August 29, 2001	
	First Named Inventor	David YEE	
	Art Unit	3746	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	10	Attorney Docket Number	220772009200

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (original + 1 copy for fee processing (2 pages total)) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request (1 page) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition (2 pages) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> <li>• Communication Regarding Unintentional Abandonment (2 pages)</li> <li>• Declaration (2 pages)</li> <li>• Facsimile Transmittal</li> </ul>
<div style="border: 1px solid black; padding: 2px; min-height: 40px;">Remarks</div>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Christopher B. Eide - 48,375	Customer No. 25226
Signature		
Date	October 8, 2003	

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 308-6916, on the date shown below.

Dated: 10/17/03

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(Mei Y. Leung)

pa-829468




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Form updated to reflect FY 2004 fees effective 10/1/03

FEE TRANSMITTAL for FY 2004		Complete If Known																																																																																																																																																																																																	
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<b>METHOD OF PAYMENT (check all that apply)</b> <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		<b>FEE CALCULATION (continued)</b> <b>3. ADDITIONAL FEES</b> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>130.00</td></tr> <tr><td>1052</td><td>80</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>960</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td>2,010.00</td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td>1,330.00</td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(c)</td><td></td></tr> <tr><td>1808</td><td>180</td><td>1808</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="6">Other fee (specify):</td></tr> <tr> <td colspan="5">*Reduced by Basic Filing Fee Paid</td> <td>SUBTOTAL (3) (\$)</td> </tr> <tr> <td colspan="5"></td> <td>3,470.00</td> </tr> </tbody> </table>		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - 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Total Claims: 74    -20** = 54    x    18    = 972 Independent Claims: 14    -3** = 11    x    86    = 946 Multiple Dependent:                      290    = 0		**or number previously paid, if greater. For Reissues, see above																																																																																																																																																																																																	
<b>SUBMITTED BY</b> (Complete if applicable) <table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.8em;"> <tr> <td>Name (Print/Type)</td> <td>Christopher B. Eide</td> <td>Registration No. (Attorney/Agent)</td> <td>48,375</td> <td>Telephone</td> <td>(850) 813-5720</td> </tr> <tr> <td>Signature</td> <td colspan="2"></td> <td>Date</td> <td colspan="2">October 8, 2003</td> </tr> </table>				Name (Print/Type)	Christopher B. Eide	Registration No. (Attorney/Agent)	48,375	Telephone	(850) 813-5720	Signature			Date	October 8, 2003																																																																																																																																																																																					
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Signature			Date	October 8, 2003																																																																																																																																																																																															

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Docket No.: 220772009200  
(PATENT)

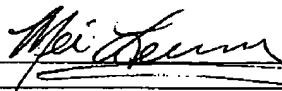
OFFICE OF PETITIONS

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 308-6916, on the date shown below.

Dated:

10/8/03

Signature:



(Mei Y. Leung)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David YEE et al.

Application No.: 09/942,976

Confirmation No.: 7671

Filed: August 29, 2001

Art Unit: 3746

For: CONTROL STRATEGY FOR FLEXIBLE  
CATALYTIC COMBUSTION SYSTEM

Examiner: Not Yet Assigned

**COMMUNICATION REGARDING UNINTENTIONAL ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The abandonment of the above referenced patent application was brought to our attention when an investigation into the surrounding circumstances revealed this case was transferred to the present law firm of Morrison & Foerster on or about October 2, 2001, with an Incomplete Application under Rule 53(b) mailed to Applicants' previous law firm on October 9, 2001. It appears from discussions with Applicant and examination of Applicants' files that the Incomplete Application under Rule 53(b) was not received by the Applicants or Applicants' Attorneys. This notice and lack of response was not discovered by Applicant's present attorneys until October 3, 2003. From October 3, 2003 until filing this petition, Applicants' Attorney has been diligently investigating the circumstances of the abandonment and preparing the response to

PA-829592

Application No.: 09/942,976

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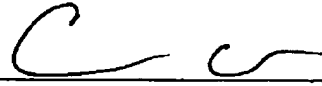
Docket No.: 220772009200

the Notice of Incomplete Application under Rule 53(b). Accordingly, the entire delay of abandonment from December 9, 2001 until present was unintentional.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 220772009200.

Dated: October 8, 2003

Respectfully submitted,

By   
Christopher B. Eide  
Registration No.: 48,375  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304  
(650) 813-5720

pa-829592